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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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07/28/2006

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EXAMINER

HANSEN, JAMES ORVILLE

ART UNIT

PAPER NUMBER

3637

NOTIFICATION DATE

DELIVERY MODE

08/26/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/587,896	<b>Applicant(s)</b> HOSHIDE ET AL.	
	<b>Examiner</b> James O. Hansen	<b>Art Unit</b> 3637	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 December 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-7,9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) 2, 4/2, 5, 6/2, 9, 11/9, 12 & 13/9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4/1, 6/1, 7, 11/7, 1/7, 14 & 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. As previously noted, Claims 2, 4/2, 5, 6/2, 9, 11/9, 12 & 13/9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention {species}. Applicant should change the “status identifier” associated with each of these claims in response to this and subsequent Office actions i.e., change from “original” or “currently amended” to “withdrawn” or “currently amended / withdrawn” etc.

### ***Response to Arguments***

2. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4/1 & 6/1 are rejected under 35 U.S.C. 102(b) as being anticipated by Gebauer et al., [US Patent 5,741,040]. Gebauer (figures 1-10) teaches of a movable body driving device (fig. 3) including a movable body (14) which is adapted to be movable in a certain direction (linear direction) and a driving mechanism (shown in fig. 4), the driving mechanism comprising a rotary member (32) rotatably supported on a first supporting member (70), a driving means (36 for example) for rotating the rotary member, a second supporting member (64) which is fixed to a fixed side (62 for

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example), and an elastic member (86, 88) which is arranged between the first supporting member and the second supporting member (note fig. 3 for example), wherein the rotary member of the driving mechanism is engaged with the movable body with predetermined force using elastic force of the elastic member and the movable body is moved by rotating the rotary member (see disclosure). As to claim 4/1, the first supporting member is supported on the second supporting member {via (64)} in such a manner as to allow linear movement (fig. 5) of the first supporting member relative to the second supporting member and is biased by the elastic member in such a direction that the first supporting member approaches the movable body. As to claim 6/1, the rotary member is a roller (drive roller) and is in contact with the movable body to move the movable body by frictional force between the roller and the movable body.

5. Claims 1 & 6/1 are rejected under 35 U.S.C. 102(b) as being anticipated by Gebauer et al., [US Patent 5,498,053]. Gebauer (figures 1-4B) teaches of a movable body driving device (fig. 1) including a movable body (14) which is adapted to be movable in a certain direction (linear direction) and a driving mechanism (shown in fig. 1), the driving mechanism comprising a rotary member (32) rotatably supported on a first supporting member (38), a driving means (36 for example) for rotating the rotary member, a second supporting member (mounting opposite of (38)) which is fixed to a fixed side (12 for example), and an elastic member (40) which is arranged between the first supporting member and the second supporting member (note fig. 1 for example), wherein the rotary member of the driving mechanism is engaged with the movable body with predetermined force using elastic force of the elastic member and the movable

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body is moved by rotating the rotary member (see disclosure). As to claim 6/1, the rotary member is a roller (drive roller) and is in contact with the movable body to move the movable body by frictional force between the roller and the movable body.

6. Claims 1, 4/1, 6/1, 7, 11/7 & 13/7 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent 11-94455 to Ozawa. Ozawa (figures 1-14) teaches of a movable body driving device (fig. 6) including a movable body (11) which is adapted to be movable in a certain direction (linear direction) and a driving mechanism (shown in fig. 6), the driving mechanism comprising a rotary member (22) rotatably supported on a first supporting member (viewed as element (28) of (25)), a second supporting member (5) which is fixed to a fixed side (viewed as a side of element (1) for example), and an elastic member (26) which is arranged between the first supporting member and the second supporting member (note fig. 6 for example), wherein the rotary member of the driving mechanism is engaged with the movable body with predetermined force using elastic force of the elastic member and the movable body is moved by rotating the rotary member. As to claim 4/1, the first supporting member is supported on the second supporting member in such a manner as to allow linear movement of the first supporting member relative to the second supporting member and is biased by the elastic member in such a direction that the first supporting member approaches the movable body (fig. 6 – due to spring tension). As to claim 6/1, when modified, the rotary member is a roller (roller) and is in contact with the movable body to move the movable body by frictional force between the roller and the movable body as readily apparent. As to claim 7, the position is taken that all the similarly claimed limitations have been addressed in the

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above rejection, where the movable body is a drawer (11) and the fixed side is a casing ((1) forming the compartment). As to claims 11/7 & 13/7, the position is taken that the similarly claimed limitations have been adequately addressed in the above rejection.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 4/1, 6/1, 7, 11/7 & 13/7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carbary [US Patent 2,668,092] in view of Gebauer et al., '053.

Carbary (figures 1-15) teaches of a movable body device (fig. 1) including a movable body (4) which is adapted to be movable in a certain direction (linear direction) and a sliding mechanism (shown in fig. 2), the sliding mechanism comprising a rotary member (10 or 11) rotatably supported on a first supporting member (19), a second supporting member (8) which is fixed to a fixed side (side of (3) for example), and an elastic member (51) which is arranged between the first supporting member and the second supporting member (note figs. 3 & 10 for example), wherein the rotary member of the sliding mechanism is engaged with the movable body, wherein the movable body moves over the rotary member. Carbary (teaches applicant's inventive claimed device as disclosed above, but does not show a driving means associated with the rotary member for the purpose of automatically rotating the rotary member. As to this feature, Gebauer '053 is cited as an evidence reference for the known teaching of automating a

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device by utilizing a driving means (36) connected to a roller (32) for the purpose of moving an adjacent article. Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the device of Carbary so as to incorporate a driving means as taught by Gebauer because this arrangement would enhance the versatility of Carbary's device since the driving means would allow the sliding body to be automatically extracted from or retracted into the cabinet body with minimum input from a user. Additionally, it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routing skill in the art. *In re Venner*, (CCPA 1958) 262 F. 2d 91, 120 USPQ 193. As to claim 4/1, the first supporting member is supported on the second supporting member (fig. 10) in such a manner as to allow linear movement of the first supporting member relative to the second supporting member and is biased by the elastic member in such a direction that the first supporting member approaches the movable body (fig. 10). As to claim 6/1, when modified, the rotary member is a roller (roller) and is in contact with the movable body and capable of moving the movable body by frictional force between the roller and the movable body when connected to the drive means. As to claim 7, the position is taken that all the similarly claimed limitations have been addressed in the above rejection, where the movable body is a drawer (4) and the fixed side is a frame body ((3) forming the compartment of the cabinet). As to claims 11/7 & 13/7, the position is taken that the similarly claimed limitations have been adequately addressed in the above rejection.

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9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carbary and Gebauer et al., '053 and further in view of Sekerich [US Patent 4,077,677]. The prior art teaches applicant's inventive claimed device as disclosed above, but Carbary does not state that the roller is made of a synthetic resin material. As to this feature, Sekerich (figures 1-4) is cited as an evidence reference for the known teaching of a roller (23) being made out of a synthetic resin material, such as nylon (col. 2).

Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the material used to manufacture the roller(s) of Carbary in view of Sekerich's teaching because this arrangement would provide Carbary with a roller made from a durable material yet low in cost.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carbary and Gebauer et al., '053 and further in view of Hamilton [US Patent 583,228]. The prior art teaches applicant's inventive claimed device as disclosed above, but Carbary does not show the drawer as including a backing member for contact with the roller [Carbary utilizes grooves formed along the underside of the drawer]. As to this feature, Hamilton (figures 1-4) is cited as an evidence reference for the known teaching of incorporating a backing member (10) along the bottom of a drawer for sliding contact with a roller (4).

Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the drawer of Carbary so as to incorporate a backing strip {in lieu of or in addition to the grooves for example} along the drawer bottom in view of Hamilton's teaching because this



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arrangement would provide Carbary with a means to guide a roller along a linear path {as dependent upon the employed roller's configuration}, or provide a reinforcement means along the roller's path so as to strengthen the traveled section.

11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa in view of Sekerich. Ozawa teaches applicant's inventive claimed device as disclosed above, but does not state that the roller is made of a synthetic resin material. As to this feature, Sekerich (figures 1-4) is cited as an evidence reference for the known teaching of a roller (23) being made out of a synthetic resin material, such as nylon (col. 2).

Accordingly, the position is taken that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the material used to manufacture the roller of Ozawa in view of Sekerich's teaching because this arrangement would provide Ozawa with a roller made from a durable material yet low in cost.

12. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa. Ozawa teaches applicant's inventive claimed device as disclosed above, but Ozawa does not clearly state that the drawer includes a distinct backing member {i.e., a member attached to the drawer surface} for contact with the roller [Ozawa does note that the upper surface of the drawer (11f) is "rubber", but not sure if it is a distinct feature added to the drawer). As to the incorporation of a distinct backing member, the position is taken that it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the surface where the roller contacts the drawer separable {such as for ease of replacement in the event the surface material is

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damaged}, since it has been held that constructing a formally integral structure into various elements, where the elements perform the same function as the integral structure, involves only routine skill in the art. *In re Dulberg*, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961); (The claimed structure, a lipstick holder with a removable cap, was fully met by the prior art except that in the prior art the cap is "press fitted" and therefore not manually removable. The court held that "if it were considered desirable for any reason to obtain access to the end of [the prior art's] holder to which the cap is applied, it would be obvious to make the cap removable for that purpose.").

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Harsh describes a spring biased roller for supporting a sliding drawer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James O. Hansen whose telephone number is 571-272-6866. The examiner can normally be reached on Monday-Friday between 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darnell Jayne can be reached on 571-272-7723. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James O. Hansen/  
Primary Examiner, Art Unit 3637

JOH  
August 23, 2010